90-1135

Supreme Court, U.S.
FILED
DEC 4 1990
JOSEPH F. SPANIOL, JR.
CLERK

NO. _____

in the

SUPREME COURT OF THE UNITED STATES

October Term 1990

J. D. AMEND

Relator,

v.

SUPREME COURT OF TEXAS, ET AL

Respondents.

PETITION FOR WRIT OF MANDAMUS

TO THE SUPREME COURT OF TEXAS

J. D. AMEND
Pro Se
615 Texas Commerce
Bank Building
Amarillo, Texas 79109
(806) 352-7541

QUESTION PRESENTED

Does Relator J. D. Amend, pursuant to the right to petition as guaranteed under the First Amendment to the United States Constitution, have the right to petition the United States Supreme Court for Writ of Mandamus to compel the Texas Supreme Court, The Texas state courts and the State Commission on Judicial Conduct to stop the continuous unconstitutional action under color of state law whereby the state courts have harassed and injured relator J. D. Amend by abrogation of federally protected rights since 1976, and have denied relator fair procedures necessary to safeguard and protect individual rights from state action.

TABLE OF CONTENTS

		PAGE
I.	OPINIONS	2
II.	JURISDICTION	2
III.	STATUTORY PROVISIONS INVOLVED	5
IV.	STATEMENT OF CASE	6
V.	REASON FOR GRANTING WRIT ...	8
VI.	CONCLUSION	9
VII.	APPENDIX	12
	A. PETITION FOR WRIT OF MANDAMUS, TEXAS SUPREME COURT	12
	B. MOTION FOR REHEARING, TEXAS SUPREME COURT	43
	C. SUPREME COURT OF TEXAS ORDERS OVERRULING J. D. AMEND'S RIGHT TO PETITION FOR REDRESS OF GRIEVANCES THEREBY ABROGATING FEDERALLY PROTECTED RIGHTS AND RELATOR'S RESPONSE	49

TABLE OF AUTHORITIES

CASES

	PAGE
Pulliam v. Allen and Nicholson	
U.S. Supreme Court	
US 30 L Ed 2d 565 - - - -	17, 18, 20, 36, 39, 44
Campbell v. Beto (1972, CA. Tex.)	
460 F. 2d. 765 - - - - - -	22
Robins v. Ryan (1962 CA 2)	
310 F. 2d 797 - - - - - - - -	23

AMENDMENTS

First - - - - - - - - - - - - - -	3, 4, 7, 8, 9
Fifth - - - - - - - - - - - - - -	3, 4, 5
Seventh - - - - - - - - - - - - -	3, 4, 6
Fourteenth - - - - - - - - - -	3, 4, 6

STATUTES

42 USCS § 1983 - - - - - - - -	5, 18, 19, 34, 35, 43, 46
§ 2 of Civil Rights Act of 1866, 14 Stat 27 - - - - -	5, 18, 19, 34, 35, 43

Uniform Declaratory Judgment

Act - - - - - - - - - - - - - 9, 10

OTHER AUTHORITY

USCS § 1651 (A) - - - - - - - - 3

Rule 165(a), TRCP - - - - - - - 26

NO. _____

in the

SUPREME COURT OF THE UNITED STATES

October Term 1990

J. D. AMEND

Relator

v.

SUPREME COURT OF TEXAS, ET AL

Respondents[1]

PETITION FOR WRIT OF MANDAMUS

TO THE SUPREME COURT OF TEXAS

J. D. Amend petitions for a Writ

---

1 LIST OF PARTIES: Relator J.D. Amend, 615 Texas Commerce Bank Building, Amarillo, Texas 79109.-Respondent Supreme Court of Texas, PO Box 12248, Capital Station, Austin, Texas 78711. Real Parties in Interest, Judge Abe Lopez, Potter County Courts Building, Amarillo, Texas 79101-Judge David Gleason, Potter County Courts Building, Amarillo, Texas 79101-Judge Jack Young, Bailey County Courthouse, Muleshoe, Texas 79347-Judge Darrell R. Carey, Randall County Courthouse, Canyon, Texas 79015-County Judge Charles M. Purcell, old Courthouse, Canyon, Texas 79015-State Commission on Judicial Conduct, PO Box 12265, Capital Station, Austin, Texas 78711/

of Mandamus to compel the Supreme Court of Texas to abstain from further overruling or otherwise abrogating Relator J. D. Amend's federally protected rights. The specific act referred to is the said courts overruling the Relator J. D. Amend his right to petition.

I

OPINIONS

The Supreme Court of Texas did not render an opinion; the said Court only mailed a copy of a letter written to Robert C. Flowers, State Commission on Judicial Conduct, stating that the Supreme Court of Texas had overruled Relator's motion for rehearing of motion for leave to file petition for Writ of Mandamus in the above-referenced case signed by a deputy clerk.

II

JURISDICTION

Relator J. D. Amend's petition for

Writ of Mandamus is authorized by USCS § 1651 (a). The state courts, under color of state law, have been used since 1976 to harass and injure relator J. D. Amend by abrogation of his federally protected rights as guaranteed under provisions of the First, Fifth, Seventh, and Fourteenth Amendments to the United States Constitution. J. D. Amend has continuously been denied his day in court, to which every citizen of the United States is entitled. July 31, 1990, Relator J. D. Amend petitioned the Texas Supreme Court for Writ of Mandamus to compel the State Commission on Judicial Conduct to discharge its indisputable duty to rectify misconduct of the state courts, under color of state law. October 24, 1990, the Texas Supreme Court overruled relator's motion for leave to file motion for Writ of Mandamus. The relator had petitioned the court for Writ of Mandamus pursuant to

his right to petition as guaranteed under the First Amendment to the United States Constitution. The point in question is; J. D. Amend's right to petition. Leave to petition is granted under the First Amendment to the United States Constitution. Thus, the Supreme Court of Texas overruled J. D. Amend's right to petition for redress of grievances, thereby abrogating his federally protected right to due process of law. J. D. Amend is unable to get the controversy resolved in Texas state courts. The Texas Supreme Court has even overruled his right to petition for redress of grievances. The Supreme Court of the United States appears to be the only Court available to Relator J. D. Amend with proper authority and jurisdiction to stop this on-going abrogation of federally protected rights under color of state law by the Texas state courts. The jurisdiction of this

court to issue a Writ of Mandamus is grounded on 42 USCS § 1983 and its predecessor, § 2 of the Civil Rights Act of 1866, 14 Stat 27; and, the First, Fifth, Seventh, and Fourteenth Amendments to the United States Constitution.

III

STATUTORY PROVISIONS INVOLVED

"Congress enacted § 1983 and its predecessor, § 2 of the Civil Rights Act of 186, 14 Stat 27, to provide an independent avenue for protection of federal constitutional rights. The remedy was considered necessary because state courts were being used to harass and injure individuals, either because the state courts were powerless to stop deprivations or were in league with those bent upon abrogation of federally protected rights". The First Amendment to the United States Constitution provides the right to petition. The Fifth Amendment to the

United States Constitution provides that: "No person shall be deprived of life, liberty, or property without due process of law". The Seventh Amendment to the United States Constitution provides: "That suits in common law, where the value in controversy exceeds $20.00, the right to trial by jury shall be preserved and no fact tried by a jury shall be otherwise reexamined by any court in the United States." The Fourteenth Amendment to the United States Constitution provides: "No state shall make or enforce any law which shall abridge the privileges of immunity of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor to deny any person within its jurisdiction the equal protection of the laws".

IV

STATEMENT OF THE CASE

Relator's Petition for Writ of Mandamus, styled J. D. Amend VS. State Commission on Judicial Conduct, in the Supreme Court of Texas, filed pursuant to his right to petition as guaranteed under the First Amendment to the United States Constitution on July 31, 1990. The specific action for which redress was sought is the total failure of the State Commission on Judicial Conduct to discharge its indisputable duty to rectify judicial misconduct which is the very purpose of its being. September 6, 1990, relator J. D. Amend was notified by telephone that the Texas Supreme Court had overruled his petition. No explanation has been made as to why the petition was overruled. September 14, 1990, Relator J. D. Amend's motion for rehearing was filed with the clerk of the Texas Supreme Court. October 24, 1990, Deputy Courtland Crocker, by letter, notified Mr. Robert C.

Flowers, State Commission on Judicial Conduct, as follows: "Dear Counsel: Today, the Supreme Court of Texas overruled Relator's motion for rehearing of motion for leave to file petition for Writ of Mandamus in the above-referenced case."; a copy of same was received by Relator. The United States Supreme Court is now being petitioned for Writ of Mandamus to require the Texas Supreme Court to stop deprivation of Relator J. D. Amend's right to petition as guaranteed under the First Amendment to the United States Constitution, and compel the Texas state courts to resolve the subject controversy according to law.

V

REASON FOR GRANTING WRIT

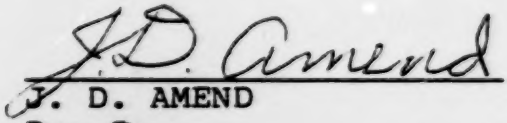
The reason for granting this writ is: An 84 year old tax-paying citizen of these United States, a veteran of World War II, is petitioning the Supreme Court

of his country, exercising his right to petition pursuant to The First Amendment of the United States Constitution for redress of grievances. The specific grievance for which redress is sought is the incontrovertible fact that the Texas state courts, under color of state law, have been used for the past fourteen years to harass and injure Relator J. D. Amend by depriving permanently and defrauding him of property which rightfully belongs to him, and then denying him due process of law necessary to recover his property. Relator is not asking a great deal of this Court, he is only requesting the Court to compel the Texas state courts to immediately resolve his controversy according to law, something which the said state courts are morally and impliedly bound to do anyway.

VI

CONCLUSION

Petitioner urges this Court to grant the Writ of Mandamus and require the Texas State Courts to stop the deprivations of Relator's constitutional rights and of his private property under color of state law; compel the state courts to accept as true relator's affidavit supported statements of fact that are uncontroverted by affidavits or sworn statements; Declare the status and legal rights necessary to resolve the said controversy pursuant to the Uniform Declaratory Judgment Act; and, expeditiously resolve the controversy according to law.



J. D. AMEND
Pro Se
615 Texas Commerce Bank Building
Amarillo, Texas 79109
(806) 352-7541

CERTIFICATE OF SERVICE

It is certified that on November 30th, 1990, a true copy of the herein was forwarded to the clerk of the Texas Supreme Court and the real parties in interest listed herein at the addresses of record, by U. S. Mail.

J. D. AMEND

APPENDIX A

NO. D-0126

IN THE SUPREME COURT OF TEXAS

AUSTIN, TEXAS

J. D. AMEND

VS.

STATE COMMISSION ON JUDICIAL CONDUCT

AUSTIN, TEXAS

TO THE HONORABLE SUPREME COURT OF TEXAS:

J. D. Amend, Relator, respectfully files this Petition, pursuant to his right to petition for redress of grievances as guaranteed by the First Amendment, U.S. Constitution, for Writ of Mandamus to compel the State Commission on Judicial Conduct of Austin, Texas to take the necessary action within its realm of authority to stop the judicial misconduct of the courts that relator has complained whereby the said courts are being used to harass and injure the said Relator by

defrauding him of his property and then abrogating his federally protected rights by denying him due process of law to reclaim property which rightfully belongs to the said Relator.

The specific action for which redress is sought is the flagrant failure to the State Commission on Judicial Conduct to discharge its indisputable duty to rectify wanton judicial misconduct which is the very purpose for its being.

I

The Respondent in this action is the State Commission on Judicial Conduct, P.O. Box 12248, Austin, Texas 78711. The real parties in interest are: Judge Abe Lopez, Potter County Courts Building, Amarillo, Texas 79101; Judge David Gleason, Potter County Courts Building, Amarillo, Texas 79101; Judge Jack Young, Bailey County Courthouse, Muleshoe, Texas; Judge Darrell R. Carey, Randall County

Courthouse, Canyon, Texas 79015; and County Judge Charles M. Purcell, Old Courthouse, Canyon, Texas 79015.

II

The Supreme Court has jurisdiction as the matter is within the geographic area of authority in which the Supreme Court has power to act.

III

Relator J. D. Amend is the Plaintiff in Cause No. 66,426, styled J. D. Amend VS Eldrid G. Travis and Maurine Travis, and the Estate of Ben H. Williams, Deceased, Ann Williams Palmer, Executrix, a petition for declaratory relief pending in the 108th District Court, Potter County, Texas of which the Honorable Judge Lopez, is Judge Presiding. J. D. Amend was a Plaintiff in Cause No. 56,481-A; a Plaintiff in Cause No. 66,544-A, and another cause to try title, all in the 47th District Court, Potter County, Texas

of which the Honorable David L. Gleason was Judge Presiding, and all of which were wrongfully dismissed by Judge Gleason. Judge Jack Young had presided in Cause No. 66,544-A and dismissed it after making an agreement with Judge Gleason to try all untried matters in Cause No. 56,481-A along with the untried matters in 66,544-A. However, None of the untried matters were tried as Judge Gleason dismissed everything without allowing J. D. Amend to file any pleadings. J. D. Amend was a Plaintiff in Cause No. L-1238, styled J. D. Amend VS Ann Williams Palmer, Executrix of the Ben H. Williams Estate, a civil action for Compensatory Damages dismissed in the Randall County Court-at-Law, of which the Honorable Darrell R. Carey was Judge Presiding. J. D. Amend is a beneficial owner of an interest in his sister's estate, No. 6529, The Estate of Leah Kay Williams, Deceased, in the County

Court of Randall County, Texas, of which County Judge Charles M. Purcell is Judge Presiding. The said estate has been in probate since December 29, 1980.

IV

The controversy in Cause No. 66,426 in the 108th District Court, Judge Lopez presiding, has been in court for about eight years. The defendants have sought and been granted wrongful adjudication other than that necessary to resolve the claim in which the proceedings are based. The courts are being used to harass and injure J. D. Amend by depriving him of property which rightfully belongs to him and then denying due process of law to reclaim the said property. Dismissing a claim will not resolve it, and then enjoining a trust beneficiary from instigating litigation to reclaim property which is rightfully his very definitely denies said beneficiary due process of

law. This happened in Cause No. L-1238 in the Randall County Court-at-Law. Plaintiff's statements of fact, all of which are supported by affidavit, have never been controverted, and they will not now be controverted by affidavit of the defendants, their attorneys, or the judges. The litigation in Judge Gleason's 47th District Court began in 1976; it needs to be resolved according to law and not wrongfully dismissed. The Judicial Conduct Commission is empowered to put and end to this judicial misconduct and for this Plaintiff prays judgment of the Supreme Court of Texas, pursuant to the May 14, 1984 United States Supreme Court decision. (Exhibit 1)

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays this Court adjudge these pleadings with liberality, and require the State Commission on Judicial Conduct to stop deprivations by those who are bent

upon abrogation of federally protected rights.

Respectfully submitted,

/s/ J. D. Amend

EXHIBIT 1

United States Supreme Court decision of May 14, 1984:

"Judges §14 - injunctive relief-judicial immunity 1a, 1b.

Judicial immunity is not a bar to prospective injunctive relief against a judicial officer acting in his or her judicial capacity."

"Civil Rights §2; Judges §14 - purpose - judicial immunity - review

Congress intended 42 USCS § 1983 to be an independent protection for federal rights and nothing suggests that Congress intended to expand the common-law doctrine of judicial immunity to insulate judges

from federal collateral review."

"While there is a need for restraint by federal courts called upon to enjoin actions of state judicial officers, there is no support for a conclusion that Congress intended to limit the injunctive relief available under § 1983 in a way that would prevent federal injunctive relief against a state judge. Rather Congress intended § 1983 to be an independent protection for federal rights, and there is nothing to suggest that Congress intended to expand the common-law doctrine of judicial immunity to insulate state judges completely from federal collateral review."

"Congress enacted § 1983 and its predecessor, § 2 of the Civil Rights Act of 1866, 14 Stat 27, to provide an independent avenue for protection of federal constitutional rights. The remedy was considered necessary because 'state

courts were being used to harass and injure individuals, either because the state courts were powerless to stop deprivations or were in league with those who were bent upon abrogation of federally protected rights.' Mitchum v Foster, 407 US 225, 240, 32 L Ed 2d 705, 92 S Ct 2151 (1972). See also Pierson v Ray, 386 US at 558-564, 18 L Ed 2d 288, 87 S Ct 1213 (dissenting opinion) (every member of Congress who spoke to the issue assumed that judges would be liable under § 1983)."

"The very purpose of § 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights to protect the people from unconstitutional action under color of state law, 'whether that action be executive, legislative, or judicial.' " 407 US at 242, 32L Ed 2d 705, 92 S Ct 2151."

"We remain steadfast in our conclusion, nevertheless, that Congress intended § 1983 to be an independent protection for federal rights and find nothing to suggest that Congress intended to expand the common-law doctrine of judicial immunity to insulate state judges completely from federal collateral review."

GLADYS PULLIAM, Magistrate for the County of Culpepper, Virginia, Petitioner

v

RICHMOND R. ALLEN and JESSE W. NICHOLSON

-US-, 80 L Ed 2d 565, 104 S Ct -

December 8, 1988

Honorable David L. Gleason
Judge of 47th District Court
Potter County Courts Bldg., Suite 3-A
Amarillo, Texas 79101

Re: Cause No. 56,481-A; in the 47th

District Court of Potter County, Texas.

Dear Judge Gleason:

I appreciate your trying to return my phone call. I merely wanted to call your attention to the fact that I will need more time in which to amend my petition in order to properly prosecute my claim. Also it seems that you have not considered the incontrovertible fact that the said agreement has not been fully consummated.

> "In suits seeking compensatory damage and injunctive relief it is error for the district court to dismiss the complaint or pleadings without first affording petitioner opportunity to present evidence to substantiate his very serious allegations, and pro se pleadings are to be judged with liberality" CAMPBELL VS BETO (1972 CA TEX.) 450 F. 765 2d

"Ambiguities and inelegancies in pleadings will not defeat demand for jury trial so long that it reasonably appears that substance of what is pleaded constitutes claim for relief at law".

ROBINS VS. RYAN (1962 CA2) 310 F 2d 797.

Furthermore, I do not believe that you have considered the fact that is the function of a jury to find whether or not the settlement was consummated June 3, 1988, or merely just initiated.

Very truly yours,

/s/ J. D. Amend

February 3, 1989

Mr. J. D. Amend

615 Texas Commerce Bank Bldg.

Amarillo, Texas 79109

Hon. S. Tom Morris

GIBSON, OCHSNER AND ADKINS

500 First National Bank Bldg.

Amarillo, Texas 79101

Re: Potter County Cause No. 56,481-A;
Amend v. Amarillo National Bank

Gentleman:

The Court has considered the arguments presented January 3, 1989, and has re-examined the pleadings and case history. Finding the chronology of the events to be as represented by Mr. Morris, and especially noting the 1981 Partial Summary Judgment barring the claims of Diversified Beef Producers Company, the Court is of the opinion that the bank's Motion for Summary Judgment should be granted. All other relief requested is denied. Mr. Morris is requested to draft the proper judgment, which upon my signature will bring this cause to an end.

Thank you for your cooperation and patience in this matter.

Very truly yours,

/s/ David L. Gleason

CC: Dennis Sanchez

Court's file

March 17, 1989

The Honorable David L. Gleason
Judge of the 47th District Court
Potter County Courts Building, Suite 3-A
Amarillo, Texas 79101

RE: Cause No. 67,355-A and Cause No. 66,544-A

Dear Judge Gleason:

I recently received notices from the Potter County District Clerk that the captioned causes were dismissed February 8, 1989 for want of prosecution.

It is my understanding that a case must remain dormant for a continuous period of eighteen months before it may be dismissed for want of prosecution. If such is the case, neither of these suits should have been dismissed.

There is a motion pending in Cause No. 67,355-A which was filed on or about August 8, 1988. The said motion was one requesting declaratory relief and proper vesting of merchantable titles in the rightful owners. If this motion had been granted or is now granted, it will resolve the controversy. You, Dennis Sanchez and S. Tom Morris, being lawyers with proper knowledge of law, know that the said titles are not good. It is beyond my comprehension to even try to understand why three grown men who are bound by their moral and legal obligation to see that justice is done, can take part in such irresponsible and malicious miscarriage of justice.

Rule 165a, as you know, states: "Notice of the court's intention to dismiss and the date and place of the dismissal shall be sent by clerk to each attorney of record, and to each party not represented

by an attorney and whose address is shown on the docket or in the papers on file, by posting same in the United States Postal Service. I have not been notified. In cause No. 67,355-A there is no attorney of record. The cause was prematurely dismissed.

The papers filed in this case reflect that J. D. Amend is representing himself. You are well aware of this fact as you wrote me a letter explaining to me that I could not represent Diversified Beef Producers Company. I have not, and I am not presently representing Diversified Beef Producers Company. I am representing myself as I am in privity with said Diversified Beef Producers Company as a stockholder in said company.

If Dennis Sanchez was notified of these premature dismissals, he was negligent in not so notifying me. The title to the subject properties have to be made good

and I can see no reason why you and the attorneys are unwilling to cooperate.

I hereby respectfully request the Court to set a hearing date for Plaintiff's motions for declaratory relief and a supplement thereto, or to set a date to try title to the two tracts of Potter County land.

Sincerely,

/s/ J. D. Amend

cc: Dennis Sanchez
S. Tom Morris

May 19, 1989

Mr. Robert C. Flowers
Executive Director
State Commission on Judicial Conduct
P. O. Box 12265, Capital Station
Austin, Texas 78711

RE: Misconduct - 47th District Court Judge David Gleason, Potter County, Texas.

Dear Mr. Flowers:

I appreciate the fact that the Commission is looking into this matter.

A friend of mine, who insists that he not be identified, told me yesterday that Attorney S. Tom Morris had persuaded Judge Gleason to dismiss Cause No. 67355-A in order that Title USA Insurance Corporation of San Antonio, Texas would insure the title to four sections of land in Dallam County, Texas. It seems to me that it is somewhat unusual to get title insurance in San Antonio while there are several reliable companies right here in Amarillo.

The title policy was issued several months before the subject suit was dismissed for want of prosecution. I suspect that the insurance company had some kind of warranty of protection before it issued the policy. As a matter of fact, the title is still not good even though the suit has been wrongfully

dismissed.

Even though a motion had been filed in August 1988, for "declaratory relief and vesting merchantable titles", and I was waiting on the court to take some action on the matter, Judge Gleason dismissed the cause February 8, 1989, for want of prosecution. There is very definitely something wrong. Anything that the commission can do to remedy the situation will be appreciated.

Sincerely,

/s/ J. D. Amend

February 21, 1990

Mr. J. D. Amend

615 Texas Commerce Bank Building

Amarillo, Texas 79109

Dear Mr. Amend:

At its regularly scheduled meeting on February 9, 1990, the Commission on Judicial Conduct considered your

complaints against several Texas judges. At that time, the Commission noted that the actions of the judges were within their discretion, and, therefore, voted to dismiss your complaints.

The Commission understands that your pursuit of these legal matters have been difficult and lengthy for you, However, your problems in these cases do not constitute conduct that is within the jurisdiction of this commission.

Sincerely,

/s/ Robert Flowers

April 23, 1990

Mr. J. D. Amend

615 Texas Commerce Bank Building

Amarillo, Texas 79109

Dear Mr. Amend:

We have received your recent letter in which you take exception to the Commission's decision in the complaints

that you had filed. We understand your concern in the lengthy litigation in which you have been involved. However, we thought it might be helpful for us to explain that the Commission has no authority to act as an appellate court and cannot set aside or otherwise change the judgment of any court; nor can the Commission consider allegations against a judge for making findings of fact, reaching a legal conclusion or applying the law as he understands it. If a judge is acting within his realm of authority to make discretionary decisions, it is not within the Commission's authority to instruct the judge to decide a case in a different manner.

The Commission is not able to change the outcome of litigation. Additionally, it is not a forum in which disputes between federal law and state law may be resolved. We regret the difficulties that

you have experienced because of the litigation that you are involved in, however, the Commission is not able to provide the remedy that you are seeking. Without additional evidence of judicial misconduct, the Commission's decision at its February 9, 1990, meeting to dismiss your complaint remains unchanged.

Yours truly,

/s/ Robert Flowers

June 6, 1990

Mr. Robert C. Flowers
Executive Director
State Commission on Judicial Conduct
P. O. Box 12265, Capital Station
Austin, Texas 78711

Re: Complaint - Judicial Misconduct

Dear Mr. Flowers:

Enclosed is more material concerning my claim of judicial misconduct which I am again requesting you to take action on.

It would be appropriate if you would take immediate action as Judge Abe Lopez, presiding in Cause No. 66426 in the 108th District Court, in and for Potter County, Texas appears to be on the verge of permitting his court to be used to abrogate my federally protected rights as forbidden by § 1983, and its predecessor, § 2 of the Civil Rights Act of 1866, 14 Stat 27. I do not want to sue these judges for violating my civil rights; I want to have my grievances heard and tried by a jury.

It is obvious that you have been misinformed in your investigation of the matters that I am complaining of. Instead of addressing the claims in which my proceedings are based, the involved lawyers have persuaded the judges to focus their attention otherwise. An example of this is a letter which S. Tom Morris wrote to Judge Darrell R. Carey in which it was

falsely asserted that J. D. Amend sues every lawyer that opposes him and every judge that rules against him. Another example is S. Tom Morris telling Judge David Gleason that J. D. Amend's suits are groundless and are filed for harassment. Judge Gleason later wrongfully dismissed legitimate litigation which he agreed to try without permitting me to file pleadings. He explained this in a letter by asserting that he had found the chronology of the events to be as represented by Mr. Morris. Refusing to permit me to file pleadings and then dismissing, on its face, is a willful, wanton act committed as a means for the accomplishment of the unlawful purpose of defrauding me of my inalienable right to due process of law, which pursuant to § 1983 makes Judge Gleason liable. (see exhibits attached hereto)

All of the complaints which I have made

to this commission are based on abrogation of federally protected rights and breach of trust. I am now again requesting the Commission, on the same basis, to take immediate action necessary to stop these deprivations. By your very own assertion, you have the authority to do this.

S. Tom Morris says that these judges have absolute judicial immunity, however, the United States Supreme Court on May 14, 1984 said otherwise.

Sincerely,

/s/ J. D. Amend

July 3, 1990

Mr. Robert C. Flowers
Executive Director
State Commission on Judicial Conduct
P. O. Box 12265, Capital Station
Austin, Texas 78711

Re: My complaint against Judge Abe Lopez of 108th Judicial District.

Dear Mr. Flowers:

Enclosed are some documents relevant to my complaint.

Yesterday, July 2, 1990, Judge Lopez dismissed Ann Williams Palmer even though she was not a party to the petition for declaratory relief. The Judge also awarded Richard H. Thamer, attorney for Ann Williams Palmer, $1,000.00 attorney's fees for time spent in filing a general denial which was totally insufficient as an answer to controvert my unopposed statements of fact supported by affidavit and unopposed by defendant's affidavit.

I am again requesting you take the necessary action to stop these courts from being used to harass and injure me by defrauding me of property which rightfully belongs to me and then denying me due process of law to recover the said property. This very definitely judicial misconduct.

Sincerely,

/s/ J. D. Amend

cc: Judge Abe Lopez

July 9, 1990

Mr. Robert C. Flowers
Executive Director
State Commission on Judicial Conduct
P. O. Box 12265, Capital Station
Austin, Texas 78711

Dear Mr. Flowers:

This is an appeal to the Commission to take immediate action on this matter in order to get it resolved.

There is no question as to these courts being used to abrogate rights guaranteed under the United States Constitution, and there appears to be no question that the Commission is empowered to take action on such misconduct.

Your help in resolving this thing will be appreciated.

Sincerely,

/s/ J. D. Amend

cc: All interested parties

July 12, 1990

Re: No. 66,426 - Judicial Misconduct

Honorable Abe Lopez
Judge 108th District Court
Potter County Courts Building
Amarillo, Texas 79101

Dear Judge Lopez:

A copy of the judgment of dismissal which you signed July 10, 1990 has just been received.

I have never heard of a judge that did so many things that he was not supposed to do, and failed to do so many things that he was supposed to do as you have.

Dismissing Ann Williams Palmer with prejudice conclusively establishes the fact that you totally disregard the U. S. Supreme Decision of July 14, 1984, thereby

defrauding me of property which rightfully belongs to me and then denying me due process of law necessary to reclaim the said property.

I am again requesting the Commission on Judicial Conduct to take appropriate action on your flagrant misconduct. A Writ of Mandamus is also being requested which will be supported by affidavit. You will be given the opportunity to oppose the affidavit with an affidavit of your own. However, I seriously doubt that you will want to perjure yourself.

Yours truly,

/s/ J. D. Amend

cc: All interested parties

July 13, 1990

Re: Complaint of Judicial Misconduct

Mr. Robert C. Flowers

Executive Director

State Commission on Judicial Conduct

P. O. Box 12265, Capital Station
Austin, Texas 78711

Dear Mr. Flowers:

You are again requested to now take appropriate action necessary to put an end to the judicial misconduct which I have repeatedly brought to your attention.

Numerous acts of misconduct have been brought to your attention, some of which are so flagrantly wrong that they cannot possibly be overlooked. For example, the collusive agreement made by Judge Young and Judge Gleason whereby J. D. Amend was deceitfully and fraudulently induced to rely on Judge Young's statement in open court that Judge Gleason had agreed to try all untried matters, some of which Judge Young dismissed and others he enjoined J. D. Amend from instigating other action on. Judge Gleason admitted that the agreement had been made. However, instead of trying the untried matters, he wrongfully

dismissed everything.

I am requesting the Texas Supreme Court to compel the State Commission on Judicial Conduct, pursuant to my right for redress of grievances as guaranteed under the First Amendment, U. S. Constitution, to immediately instigate appropriate action.

I am asking the Commission to act without being so compelled. It would be appreciated if you do so at once.

Sincerely,

/s/ J. D. Amend

cc: All interested parties

APPENDIX B

NO. D-0126

IN THE SUPREME COURT OF TEXAS

AUSTIN, TEXAS

****

J. D. AMEND

VS.

STATE COMMISSION ON JUDICIAL CONDUCT

AUSTIN, TEXAS

TO THE HONORABLE SUPREME COURT OF TEXAS:

Comes now, Relator J. D. Amend and submits this his motion for rehearing and shows the Court as follows:

The unopposed sworn statements of incontrovertible material facts relied on by Relator for requesting rehearing are:

1. That the district and county courts have been used for several years to harass and injure J. D. Amend by abrogation of federally protected rights. "Congress enacted § 1983 and its predecessor; § 2 of the Civil Rights Act

of 1866, 14 Stat 27, to provide an independent avenue for protection of federal constitutional rights," U. S. SUPREME COURT DECISION of May 14, 1984- US - 30 L Ed 2d 565, 104 S Ct. - Such conduct when tolerated and indulged in by a court destroys or annuls a right guaranteed under the Bill of Rights.

2. That Relator J. D. Amend has unsuccessfully requested the State Commission on Judicial Conduct many times to take action within its realm of authority to stop the deprivation of constitutional rights and other deprivations which are injurious and damaging to the said Relator.

3. That Relator J. D. Amend, pursuant to his right to petition for redress of grievances guaranteed under the First Amendment to the United States Constitution, filed a petition with the Clerk of the Supreme Court of Texas for

Writ of Mandamus to compel the State Commission on Judicial Conduct of Austin, Texas, to take the necessary action within its realm of authority, and as prescribed by law, to stop the on-going deprivation of constitutional rights; such abuse of rights guaranteed under the U. S. Constitution is injurious and damaging to Relator J. D. Amend.

4. Redress as defined: "Satisfaction for an injury or damages sustained." Thus, Relator's petition for redress of grievances is actually a request for satisfying the injury and damage inflicted upon said Relator by the refusal of the State Commission on Judicial Conduct to stop the State, County, and District Courts being used to abrogate federally protected rights. No satisfaction has been afforded.

5. That, on September 6, 1990, the Supreme Court of Texas overruled Relator

J. D. Amend's petition for Writ of Mandamus and thereby annulled or destroyed the said Relator's inalienable right to petition the Court for redress of grievances as set forth in the First Amendment to the United States Constitution. The highest Court in the State of Texas wrongfully overruled a federally protected right pursuant to § 1983 as set forth in 1. herein.

6. Relator J. D. Amend has repeatedly requested declaratory relief necessary to resolve the controversy pursuant to the Texas Uniform Declaratory Judgment Act, and the subject state courts have declined to take any action whatsoever on the said requests. Had the status of matters and the legal rights of the litigants been declared, there would have been no remaining issue to the material facts to the justiciable dispute.

7. As a practical matter, this

controversy that has been in court since 1976 needs to be expeditiously resolved according to law as soon as possible. Members of the Supreme Court of Texas should properly expedite the resolution of controversy pursuant to the United States Constitution and the laws of Texas instead of creating additional litigation at the taxpayer's expense.

WHEREFORE, Relator prays that the Court reconsider its action of overruling his petition for Writ of Mandamus, and compel the State Commission on Judicial Conduct to take the necessary action within its realm of authority to stop the judicial misconduct of the state courts' abrogation of federally protected rights.

Respectfully submitted,

/s/ J. D. Amend

AFFIDAVIT OF J. D. AMEND

STATE OF TEXAS

COUNTY OF POTTER

BEFORE ME, the undersigned authority, on this day personally appeared J. D. Amend, who after being by me duly sworn upon his oath, stated that he has personal knowledge of the foregoing and that every fact stated as such is true and correct.

/s/ J. D. Amend

SUBSCRIBED AND SWORN TO, before me, this 12th day of September, 1990.

/s/ Donna Sarpalius
Notary Public for
the State of Texas

My Commission Expires 11-1-93

APPENDIX C

NO. D-0126 September 6, 1990

J. D. AMEND

v. Original Mandamus Proceeding

STATE COMMISSION ON JUDICIAL CONDUCT

Relator's motion for leave to file petition for writ of mandamus filed herein on July 31, 1990, in the above numbered and entitled case having been duly considered, it is ordered that said motion for leave be, and hereby is, overruled.

It is further ordered that relator, J. D. Amend, pay the costs incurred in this Court in this case.

****

NO. D-0126 October 24, 1990

J. D. AMEND

v. Original Mandamus Proceeding

STATE COMMISSION ON JUDICIAL CONDUCT

Relator's motion for rehearing filed in

the above numbered and entitled case having been duly considered, it is ordered that said motion for rehearing be, and hereby is, overruled.

****

I, JOHN T. ADAMS, Clerk of the Supreme Court of Texas, do hereby certify that the above and foregoing is a true and correct copy of the orders of the Supreme Court of Texas in the case numbered and styled as above, as the same appears of record in the minutes of said Court under the dates shown.

WITNESS my hand and seal of the Supreme Court of Texas, at the City of Austin, this, the 4th day of January, 1991.

John T. Adams, Clerk

by /s/ Courtland Crocker

Deputy

THE SUPREME COURT OF TEXAS

P. O. Box 12248

Supreme Court Building

Austin, Texas 78711

John T. Adams, Clerk

September 6, 1990

Mr. Robert C. Flowers

State Commission on Judicial Conduct

P. O. Box 12265 Capital Station

Austin, Texas 78711

RE: Case No. D-0126

Style: J. D. AMEND

v. STATE COMMISSION OF JUDICIAL CONDUCT

Dear Counsel:

Today, the Supreme Court of Texas overruled relator's motion for leave to file petition for writ of mandamus in the above styled case.

Sincerely,

John T. Adams, Clerk

by /s/ Blanca Morin, Deputy

cc: Hon. Ebelardo Lopez

Hon. David L. Gleason

Hon. Jack D. Young

Hon. Darrell R. Carey

Hon Charles M. Purcell

Mr. J. D. Amend

RELATOR'S RESPONSE TO THE SUPREME COURT OF TEXAS OVERRULING J. D. AMEND'S RIGHT TO PETITION FOR REDRESS OF GRIEVANCES FILED PURSUANT TO AMENDMENT ONE OF THE UNITED STATES CONSTITUTION:

1. Relator did not file a motion for leave to file a petition; he filed a petition within his right to petition as guaranteed under Amendment One to the United States Constitution.

2. The Supreme Court of Texas did not overrule Relator's petition, the said Court overruled the right to petition, which as a matter of law, abrogates federally protected rights.

The certified copy of the purported orders, which is signed by Deputy Clerk Courtland Crocker, appears to be somewhat deceptive for the following reasons:

1. Neither of the so-called orders are signed.

2. If the said orders were entered under the dates shown, copies of the orders would have been sent to Relator instead of notification by telephone and copy of letter to: "Dear Counsel".

/s/ J. D. Amend

J. D. Amend, Relator